

117TH CONGRESS
2D SESSION

S. 3835

To develop and disseminate accurate, relevant, and accessible resources to promote understanding about Native American and Tribal histories.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2022

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To develop and disseminate accurate, relevant, and accessible resources to promote understanding about Native American and Tribal histories.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native Histories and
5 Cultures Education Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Native American peoples are a vital part of
9 our Nation’s past and present.

1 (2) Native American peoples have made significant contributions to the United States and continue to serve as leaders in communities across the Nation and with distinction as public servants, scholars, scientists, entrepreneurs, artists, authors, and in many other professions and specialties.

7 (3) The United States has a unique government-to-government relationship with Indian Tribes and treaty-based trust responsibilities owed to Native American peoples and Indian Tribes.

11 (4) Congress has played a critical role in recognizing the cultures and contributions of Native American peoples throughout the history of the United States by establishing the National Museum of the American Indian in 1989 to—

16 (A) advance the study of Native American language, literature, history, art, anthropology, and life; and

19 (B) provide for Native American research and study programs.

21 (5) Indian Tribes, Tribal Colleges and Universities, Native American organizations, and Native American communities have worked diligently to bring accurate Native American histories and cul-

1 turally informed educational opportunities to Amer-
2 ican classrooms.

3 (6) Washington, Oregon, Montana, Arizona,
4 New Mexico, Wisconsin, Maine, Connecticut, Vir-
5 ginia, Florida, Minnesota, and Hawaii include Na-
6 tive American education in content standards for
7 kindergarten through grade 12 education.

8 (7) It is important for students in the United
9 States to have a complete and accurate education
10 about—

11 (A) the experience of Native American peo-
12 ples in the United States today and throughout
13 history;

14 (B) the Federal Government's adoption of
15 the relocation, termination, and other discrimi-
16 natory and genocidal policies, including the In-
17 dian Boarding School Policy, and similar poli-
18 cies employed in the Territory of Hawaii, to
19 strip American Indian, Alaska Native, and Na-
20 tive Hawaiian children of their indigenous iden-
21 tities, language, and culture;

22 (C) the unique government-to-government
23 relationship between the Federal Government
24 and Indian Tribes; and

(D) the Federal Government's treaty-based trust responsibilities to Native American peoples and Indian Tribes.

10 SEC. 3. DEFINITIONS.

11 In this Act:

(B) may include 1 or more local educational agencies; and

24 (C) may include 1 or more Tribal edu-
25 cational agencies.

1 (3) INDIAN TRIBE.—The term “Indian Tribe”
2 means the recognized governing body of any Indian
3 or Alaska Native Tribe, band, nation, pueblo, village,
4 community, component band, or component reserva-
5 tion, individually recognized (including parentheti-
6 cally) in the list published most recently as of the
7 date of enactment of this Act pursuant to section
8 104 of the Federally Recognized Indian Tribe List
9 Act of 1994 (25 U.S.C. 5131).

10 (4) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given the term in section 101 of the Higher
13 Education Act of 1965 (20 U.S.C. 1001).

14 (5) LOCAL EDUCATIONAL AGENCY.—The term
15 “local educational agency” has the meaning given
16 the term in section 8101 of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C. 7801).

18 (6) MUSEUM.—The term “Museum” means the
19 National Museum of the American Indian.

20 (7) NATIVE AMERICAN.—The term “Native
21 American” has the meaning given the term in sec-
22 tion 103 of the Native American Languages Act (25
23 U.S.C. 2902).

24 (8) NATIVE HAWAIIAN EDUCATION ORGANIZA-
25 TION.—The term “Native Hawaiian education orga-

1 nization” has the meaning given the term in section
2 6207 of the Native Hawaiian Education Act (20
3 U.S.C. 7517).

4 (9) NATIVE HISTORIES AND CULTURES.—The
5 term “Native histories and cultures” means accu-
6 rate, fact-based, and thorough information about the
7 histories and cultures of Native American peoples
8 prior to the first European contact, during the col-
9 onization of North America, and until the present
10 date.

11 (10) NATIVE HISTORIES AND CULTURES EDU-
12 CATION PROGRAM.—The term “Native histories and
13 cultures education program” means a program
14 that—

15 (A) has as its specific and primary purpose
16 to—

17 (i) improve awareness and under-
18 standing of the experiences of Native
19 American peoples and Native histories and
20 cultures; and

21 (ii) describe and educate individuals
22 on the structures of Indian Tribes as sov-
23 ereign entities with separate executive, leg-
24 islative, and judicial government struc-
25 tures;

(12) STATE EDUCATIONAL AGENCY.—The term “State educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

1 **SEC. 4. PURPOSES.**

2 The purposes of this Act are to—

3 (1) expand the Museum's educational efforts
4 and develop and make freely accessible base cur-
5 riculum resources and materials that—

6 (A) have been developed after significant
7 consultation, engagement, and coordination
8 with Indian Tribes, Tribal organizations, and
9 stakeholders representing Native American peo-
10 ples and interests, including Native Hawaiian
11 education organizations; and

12 (B) are available for students, educators,
13 parents, and interested individuals and groups;

14 (2) support partnerships among States, Indian
15 Tribes, Tribal organizations, and Native Hawaiian
16 education organizations to develop additional edu-
17 cational resources and materials related to Native
18 histories and cultures that are local and regionally
19 specific; and

20 (3) provide opportunities for State educational
21 agencies to implement Native histories and cultures
22 education programs built around the base cur-
23 riculum provided by the Museum with additional lo-
24 cally and regionally appropriate information.

1 **SEC. 5. NATIVE HISTORIES AND CULTURES EDUCATION**

2 **PROGRAM.**

3 (a) SOLICITATION OF FEEDBACK AND DEVELOP-
4 MENT OF BASE CURRICULUM FOR NATIVE HISTORIES
5 AND CULTURES.—

6 (1) IN GENERAL.—The Director of the Museum
7 shall—

8 (A) for a period of not less than 9 months,
9 regarding the learning objectives and develop-
10 ment of the base curriculum on Native histories
11 and cultures under subparagraph (B)—

12 (i) engage in robust and active con-
13 sultation with Indian Tribes and Tribal or-
14 ganizations; and

15 (ii) solicit comments from organiza-
16 tions representing the interests of Native
17 American peoples in the United States,
18 and any other relevant stakeholders, in-
19 cluding Native Hawaiian education organi-
20 zations;

21 (B) develop, not later than 1 year after the
22 end of the period described in subparagraph
23 (A), a base curriculum on Native histories and
24 cultures that—

10 (iii) explains the unique government-
11 to-government relationship between the
12 Federal Government and Indian Tribes
13 and the trust and treaty-based responsibil-
14 ities owed to Native American peoples and
15 Indian Tribes;

16 (iv) includes the important role Native
17 American peoples have played in the his-
18 tory of the United States and through
19 present day;

20 (v) teaches the experiences of Native
21 American peoples in the United States
22 today and throughout history, including
23 the Federal Government's adoption of the
24 Indian Boarding School Policy, and similar
25 policies employed in the Territory of Ha-

1 waii, to strip American Indian, Alaska Na-
2 tive, and Native Hawaiian children of their
3 indigenous identities, language, and cul-
4 ture; and

5 (vi) includes other appropriate sub-
6 jects that will enable people to understand
7 and appreciate the histories, cultures, and
8 perspectives of Native American peoples
9 and how such histories, cultures, and per-
10 spectives have and will continue to be part
11 of the fabric of the United States;

1 means and services that educators frequently
2 use to access educational materials;

3 (E) make the base curriculum and any up-
4 dates to the curriculum developed under this
5 paragraph publicly available, at no charge, on
6 the Museum's website and through other
7 means;

8 (F) provide technical assistance to eligible
9 entities, State educational agencies, local edu-
10 cational agencies, Tribal educational agencies,
11 and educators;

12 (G) solicit public comment from Indian
13 Tribes, Tribal organizations, and organizations
14 representing the interests of Native American
15 peoples in the United States, including Native
16 Hawaiian education organizations, local edu-
17 cational agencies, State educational agencies,
18 educators, or other entities utilizing the base
19 curriculum made freely available under sub-
20 paragraph (E) to assess the success of its im-
21 plementation and collect data used for reporting
22 to Congress under section 6;

23 (H) provide mechanisms to accept feed-
24 back and comment continuously, and make revi-

1 sions and updates to the base curriculum peri-
2 odically; and

3 (I) formally make revisions and updates to
4 the base curriculum based upon feedback and
5 comments under this paragraph, 1 and 2 years
6 after initial implementation and, as appropriate,
7 periodically thereafter.

8 (2) INCLUSION OF AVAILABLE MATERIALS.—In
9 developing the base curriculum under paragraph (1),
10 the Director of the Museum may use or incorporate
11 any educational material available through the Mu-
12 seum as of the date of enactment of this Act.

13 (3) COORDINATION.—The Director of the Insti-
14 tute of Museum and Library Services shall make
15 available any educational material or resources re-
16 quested by the Director of the Museum to develop
17 the base curriculum under paragraph (1).

18 (b) GRANTS AUTHORIZED.—

19 (1) IN GENERAL.—Upon completion of the ini-
20 tial development of the base curriculum under sub-
21 section (a)(1)(B), the Director of the Museum shall
22 award grants to eligible entities—

23 (A) to use the base curriculum to develop
24 and plan Native histories and cultures edu-

1 cation programs that are locally and regionally
2 specific; and

3 (B) to implement such programs in ele-
4 mentary schools and secondary schools served
5 by the eligible entity.

6 (2) APPLICATIONS.—An eligible entity desiring
7 a grant under this subsection shall submit an appli-
8 cation to the Director of the Museum at such time,
9 in such manner, and based on such competitive cri-
10 teria as the Director of the Museum may require.
11 Each such application shall include the following:

12 (A) A description of the partnership and
13 coordination between all partner entities com-
14 prising the eligible entity, including any formal
15 agreements or memoranda of understanding.

16 (B) A description of any outreach con-
17 ducted beyond the eligible entity to Indian
18 Tribes, Tribal organizations, Native Hawaiian
19 education organizations, Tribal education orga-
20 nizations, or local, regional, or otherwise rel-
21 evant stakeholders.

22 (C) A description of how any Indian Tribe,
23 Tribal organization, or Native Hawaiian edu-
24 cation organization included in the eligible enti-

1 ty will be compensated for their efforts under
2 the grant.

3 (D) A description of the local and regional,
4 historical, and cultural materials that the eligi-
5 ble entity will seek to include in the educational
6 materials and Native histories and cultures edu-
7 cation program developed under the grant.

8 (E) A description of how such materials
9 will align with the challenging State academic
10 standards and assessments under paragraphs
11 (1) and (2) of section 1111(b) of the Elemen-
12 tary and Secondary Education Act of 1965 (20
13 U.S.C. 6311(b)).

14 (F) A description of how such materials
15 will align with a State's academic standards
16 and assessments related to social studies and
17 history or other relevant subject.

18 (G) A description of how the eligible entity
19 will meet the reporting requirements.

20 (3) USES OF FUNDS.—An eligible entity receiv-
21 ing a grant under this subsection shall use the grant
22 funds to develop, plan, and implement a Native his-
23 tories and cultures education program, including—

24 (A) developing local and regionally specific
25 Native histories and cultures education program

1 resources for use in conjunction with the base
2 curriculum;

3 (B) developing a plan for the implementa-
4 tion of a Native histories and cultures education
5 program that would be implemented in public
6 elementary schools and secondary schools
7 served by the eligible entity, including coordina-
8 tion with local educational agencies and teach-
9 ers;

10 (C) utilizing the base curriculum and de-
11 veloping additional curriculum to align with the
12 challenging State academic standards and as-
13 sessments under paragraphs (1) and (2) of sec-
14 tion 1111(b) of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6311(b));

16 (D) planning, development, and coordina-
17 tion among all partner entities comprising the
18 eligible entity, for purposes of developing local
19 and regionally specific Native histories and cul-
20 tures education program resources, including
21 compensation for any Indian Tribe, Tribal orga-
22 nization, or Native Hawaiian education organi-
23 zation within the eligible entity for these activi-
24 ties;

10 (F) coordination with and outreach to stu-
11 dents, educators, parents, and organizations
12 representing Native American students, par-
13 ents, or families;

14 (G) providing professional development to
15 educators on the Native histories and cultures
16 education program, including the importance of
17 the program;

18 (H) implementing a Native histories and
19 cultures education program in public elemen-
20 tary schools and secondary schools in accord-
21 ance with the implementation plan developed
22 under subparagraph (B);

(I) coordination with undergraduate, postbaccalaureate, or master's educator preparation programs, including training and out-

1 reach for educator candidates and school leader
2 candidates;

3 (J) providing outreach and broader com-
4 munity awareness on the initiative carried out
5 under this section; and

6 (K) making revisions to the Native his-
7 tories and cultures education program, as nec-
8 essary based on the base curriculum revisions
9 under subsection (a)(1)(I).

10 (c) SUPPLEMENT NOT SUPPLANT.—An eligible enti-
11 ty receiving a grant under subsection (b) shall use grant
12 funds to supplement, and not supplant, any funds that
13 would, in the absence of such grant funds, be made avail-
14 able from State and local sources for the activities de-
15 scribed in subsection (b).

16 **SEC. 6. REPORTING.**

17 (a) ANNUAL STATE REPORTS.—An eligible entity
18 that receives a grant under section 5 shall annually report
19 on the effectiveness of the Native histories and cultures
20 education program and activities carried out under the
21 grant to the Director of the Institute of Education
22 Sciences, which shall include, at a minimum the following:

23 (1) The number of students served by grant ac-
24 tivities.

1 (2) The number of educators who participated
2 in professional development funded by grant activi-
3 ties.

4 (3) The number of educator preparation pro-
5 grams that provided training, and the number of ed-
6 ucator candidates and school leaders who received
7 training funded by grant activities.

8 (4) The number of local educational agencies
9 utilizing the base curriculum or a Native histories
10 and cultures education program.

11 (5) A description of the performance indicators
12 and performance measures used to evaluate pro-
13 grams and activities with an emphasis on the aca-
14 demic and cultural needs of participating Native
15 American students, including performance indicators
16 and measures that—

17 (A) are able to track student success and
18 improvement over time;

19 (B) include State assessment results and
20 other indicators of student success and im-
21 provement, such as improved attendance during
22 the school day, improved classroom grades, im-
23 proved school climate and safety, and improved
24 school discipline disparities;

(D) reflect improved performance or student success in other ways.

(6) Reporting on the effectiveness of the program, including the results of the performance indicators under paragraph (5), which shall include estimated impact on the student outcomes of participating Native students. Any performance or enrollment data disaggregation shall be done in a manner that protects the privacy of students. Such performance and enrollment data shall not be disaggregated in the case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(A) the estimated impact on students enrolled in the Indian Tribe or served by the Tribe.

1 al organization or Native Hawaiian education
2 organization; and

3 (B) the estimated impact, if any, on stu-
4 dents enrolled in the Indian Tribe or served by
5 the Tribal organization or Native Hawaiian
6 education organization in terms of culturally
7 relevant methods of determining value and suc-
8 cess.

9 (8) Any feedback on the base curriculum devel-
10 oped under section 5(a)(1)(B).

11 (b) INSTITUTE OF EDUCATION SCIENCES REPORT.—

12 (1) IN GENERAL.—The Director of the Institute
13 of Education Sciences shall prepare and make pub-
14 licly available a biennial report containing—

15 (A) information on a national and state-
16 wide basis, that shall not include the personally
17 identifiable information of students, educators,
18 or other individuals, from the reports submitted
19 under subsection (a) and that may include
20 other information determined appropriate by
21 the Director of the Institute of Education
22 Sciences;

23 (B) an evaluation of the effectiveness of
24 the Native histories and cultures education pro-
25 grams, including the impact on student per-

1 formance in general and student performance of
2 Native American students in particular from, or
3 informed by, the annual State reports described
4 in subsection (a); and

5 (C) any recommendations based on the
6 evaluation of the Native histories and cultures
7 education programs.

8 (2) REPORTS TO CONGRESS.—The Director of
9 the Institute of Education Sciences shall submit to
10 the Committee on Indian Affairs of the Senate, the
11 Committee on Health, Education, Labor, and Pen-
12 sions of the Senate, the Committee on Natural Re-
13 sources of the House of Representatives, and the
14 Committee on Education and Labor of the House of
15 Representatives, 1 year after the date of enactment
16 of this Act and every 5 years thereafter, a report de-
17 scribing the impact of the program, as determined
18 by the metrics collected under subsection (a).

19 (c) NATIONAL MUSEUM OF THE AMERICAN INDIAN
20 REPORT.—The Director of the Museum shall submit to
21 the Committee on Indian Affairs of the Senate, the Com-
22 mittee on Health, Education, Labor, and Pensions of the
23 Senate, the Committee on Natural Resources of the House
24 of Representatives, and the Committee on Education and
25 Labor of the House of Representatives—

15 SEC. 7. NATIONAL MUSEUM OF THE AMERICAN INDIAN
16 ACT.

17 The National Museum of the American Indian Act
18 (20 U.S.C. 80q et seq.) is amended—

19 (1) in section 3(b)—

22 (B) in paragraph (4), by striking the pe-
23 riod at the end and inserting “; and”; and

(C) by adding at the end the following:

1 “(5) advance the study and awareness of Native
2 American histories and cultures by providing edu-
3 cational resources to educators and schools.”; and

4 (2) in section 6, by striking subsection (a)(1)
5 and inserting the following:

6 “(1) a Director who, subject to the policies of
7 the Board of Trustees—

8 “(A) shall manage the National Museum;
9 and

10 “(B) enter into grants with Indian Tribes,
11 Tribal organizations, Native Hawaiian edu-
12 cation organizations, State educational agen-
13 cies, and local educational agencies to further
14 the purposes described in section 4 of the Na-
15 tive Histories and Cultures Education Act of
16 2022 and carry out the responsibilities de-
17 scribed under such Act.”.

18 **SEC. 8. FUNDING.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated—

21 (1) \$1,000,000 for the Museum to carry out
22 the activities described in section 5(a) and to estab-
23 lish the administrative capabilities necessary to ad-
24 minister grants under section 5; and

1 (2) \$30,000,000 to award grants under section

2 5.

3 (b) DONATIONS, GIFTS, BEQUESTS, AND DEVISES OF

4 PROPERTY.—The Director of the Museum is authorized

5 to solicit, accept, hold, administer, invest, and use donated

6 funds and gifts, bequests, and devises of property, both

7 real and personal, to support the initiative under this Act.

○